

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

DEXTER DUREN and DEARTHUR GRICE

PLAINTIFFS

VS.

CASE NO. 5:13-CV-00347 JM

URS CORPORATION

DEFENDANT

PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Come the plaintiffs, **Dexter Duren and DeArthur Grice**, by and through their attorney **Austin Porter Jr., d/b/a Porter Law Firm**, and for their motion for extension to respond the defendant's motion for summary judgment, they state the following:

1. The defendant filed its motion for summary judgment on September 2, 2015.
2. The plaintiff's response to said motion is due on Monday, September 21, 2015, when one factors in the three (3) day mail rule as allowed by Rule 6(d) of the *Federal Rules of Civil Procedure*, "[3] days are added after the period would otherwise expire under Rule 6(a)." Furthermore, pursuant to Rule 6(a)(3) of the Federal Rules of Civil Procedure, since the last day to act falls on a legal holiday, Thanksgiving, then the last day to file the pleading in opposition to the defendant's motion for summary judgment is September 21, 2015.
3. Due to undersigned counsel's workload and schedule, he is unable to get a timely response filed to the defendant's motion for summary judgment.
4. Undersigned has just finished responding to a motion for summary judgment in the case of Giuseppina "Fina" Bartlett v. The City of Little Rock, Arkansas, United States

District Court No. 4:13-CV-0682 JM, which was filed on September 8, 2015.

5. Furthermore, this matter was originally scheduled for trial during the week of October 26, 2015; however, the defendant has filed a motion for continuance, to give the parties the opportunity to see if they can settle their differences. This Court recently granted the defendant's motion, and the case has been moved to the magistrate docket for settlement conference.

6. Undersigned counsel is also in the midst of preparing a response to a motion for summary judgment in the case of Micah A. Spence v. Billy Love, et al., United States District Court No. 4:14-CV-00167 BRW, which is due on Monday, September 21, 2015.

7. Undersigned counsel is requesting an extension of two (2) weeks in order to respond to the defendant's motion.

8. Opposing counsel has been consulted in reference to this motion request, and has authorized undersigned counsel to state that the defendant will not oppose said motion.

9. This request is not being made for the purpose to cause any unnecessary delay, nor will the defendant be prejudiced by said request.

THEREFORE, appellant requests that he be given up to and including the date of October 2, 2015 to file their response to the defendant's motion for summary judgment, and for all other just and proper relief.

Respectfully submitted,

/s/ Austin Porter Jr.
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CERTIFICATE OF SERVICE

I, Austin Porter Jr., do hereby certify that a copy of the foregoing pleading was electronically filed with the Clerk of the United States District Court for the Eastern District of Arkansas - Western Division, on the 18th day of September 2015, using the CM/ECF system, which is designed to send notification of such filing to the following:

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